



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98,385-E)

PATENT

TECH CENTER 1600/2900

NOV 26 2002

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In the Application of:

Hauptmann et al.

Serial No.: 09/525,998

Filing Date: March 15, 2000

For: TNF receptors, TNF binding proteins  
and DNAs coding for them

Examiner: To be Assigned

Group Art Unit: 1646

TRANSMITTAL LETTER

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a) Second Supplemental Information Disclosure
- b) PTO Form 1449; and cited references
- c) Return postcard

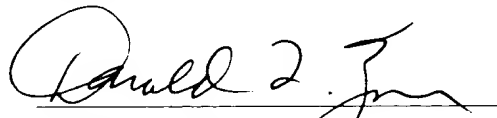
2. With respect to fees:

- a) No fees are required
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service hand delivered to the Commissioner for Patents, Washington, D.C. 20231 on November 26, 2002.

Respectfully submitted,

Date: 26 November 2002

  
Donald L. Zuhn.  
Registration No. 48,710



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98-385-E)

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PATENT  
TECH. CENTER 16818/2900

In re Application of: Hauptmann et al. )  
)  
Serial No.: 09/525,998 )  
)  
Filed: March 15, 2000 )  
)  
For: TNF Receptors, TNF Binding )  
Proteins and DNAs Coding For Them )

Before the Examiner: E. O'Hara  
Group Art Unit: 1646

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE**

In the Response to Office Action Mailed June 17, 2002, submitted on November 19, 2002, Applicants provided a Supplemental Information Disclosure Statement listing six of the eight references from the Information Disclosure Statement filed October 24, 2000 that had not yet been considered. Applicants noted in the Response that they had not been able to locate copies of the remaining references in their own file and were attempting to secure new copies of those references for submission with a Second Supplemental Information Disclosure Statement.

In reviewing the Information Disclosure Statement filed October 24, 2000, Applicants discovered that due to a typographical error, one of the remaining references was incorrectly listed (*i.e.*, Tsujimoto *et al.*, 1987, *Tumor Necrosis Factor and Related Cytotoxins*, pp. 88-108). Applicants provide copies of the correct Tsujimoto *et al.* reference (*Arch. Biochem. Biophys.* 249:563-68 (1986)) and two references that were inadvertently listed on the same line in the Information Disclosure Statement filed October 24, 2000 (*i.e.*, Tracey *et al.*, 1987, *Tumor Necrosis Factor and Related Cytotoxins*, pp. 88-108; Tracey *et al.*, 1987, *Nature* 330:662-64).

This statement is filed under 37 C.F.R. §§ 1.97-1.98 in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or

constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

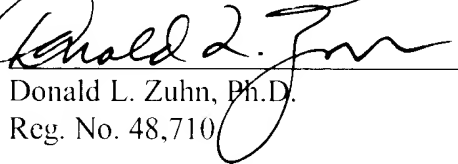
If there is any fee due in connection with the filing of this Statement, Applicants hereby authorize the Commissioner to charge the fee to Deposit Account No. 13-2490.

Respectfully submitted,

**McDonnell Boenken Hulbert & Berghoff**

Dated: November 26, 2002

By:

  
Donald L. Zuhn, Ph.D.  
Reg. No. 48,710